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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the World Federation of Trade Unions, a non-governmental organization in general consultative status; France Libertes : Fondation Danielle Mitterrand, the American Association of Jurists, non-governmental organizations in special consuitative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Violations of the right to social protest in Colombia

Colombia has distinguished itself by a marked social inequality (1) that has given rise to a sustained social, political and armed conflict for over half a century, and which presently has resulted in levels of poverty reaching 70% of the population, abysmal differences in development between regions, and strong ethnic and gender inequalities among other indicators. The same applies to land distribution where 52% of the land belongs to 1, 15% of the people, and 49, 1% of the national income ends up in the pockets of the richest 10% of the population (2).

In this context of acute social, political and economic inequality, protest rightful voices have been heard against the government, leading to political opposition and social upheaval. The state has, in response, treated these legitimate expressions of discontent, by invoking the "doctrine of national security, and claiming that the protests are coming from "internal enemies" or "terrorists". It has, accordingly, repressed protesters and persecuted opponents by jailing them. At the same time, the governmental sector has been acting against the interests of the poorest sectors of the society, thus increasing inequalities and giving away the country's natural resources to transnational capital (corporations).

In order to do this, the Colombian state has developed policies of national security, also referred to as "democratic security policies", or "policies of civil security", and strengthened out of proportion its law enforcement forces. Simultaneously, the funds allocated to education, health, employment and to other social needs have been decreased. As a consequence, Colombia has become the country with the largest military budget in the region (3).

In addition, human rights violations have increased significantly in the last decades, and the use of abusive preventive detention measures has been alarmingly augmenting. This has lead to a large increase in the number of people sent to prison, and to a greater disregard for human rights in the places of detention.

Thus, between July 1996 and June 2002, 2,869 persons were illegally detained, during President Uribe´s administration. This number has alarmingly increased to 6.332, from August 7, 2002 and August 6, 2004 (two years). Persons were arrested on the mere and unproven suspicion of belonging to insurgent groups or of collaborating with them

On the other hand, according to the Mission for the Verification of the Human Rights Situation, during 2010 and 2011, a significant number of defenders of human rights, underscoring the land problems, were detained as well as more recently, opponents of mining projects, students, and peasants among others.

The enactment of the Bill on the Security of Citizens (Bill 1453 of 2011) during the administration of President Juan Manuel Santos clearly evidences the criminalization of the social protest. The Bill modifies the Penal Code and incorporates the new offense of "obstruction of public ways leading to alteration of public order", punished by up to 48 months in prison, and restricting constitutional rights such as freedom of expression and assembly. It violates, moreover, the penal principles of legality and of proportionality of the sanction to the offense.

The 2013 Bill on the Security of Citizens was used as a repression and a punishment instrument against peaceful protests and mobilizations organized by the social movement, including peasants, miners, agricultural workers (Catatumbo region), indigenous peoples (Minga Social Indigena), etc. causing more than 902 victims of human rights violations, and up to 315 arbitrary detentions.

With the collaboration of the mainstream mass media, the implementation of this Bill has turned the social organizations into pariah organizations, a legal object of persecution, and presented their leaders as delinquents, armed rabble rousers. Consequently, it has led to the militarization of rural and urban areas, increasing the displacement of populations, the plunder (4) and accumulation of land, augmenting the number of political prisoners, forced registration, judicial false set-ups, and an endless list of obstacles to social organization and action.

This Bill on the Security of Citizens, far from constituting a new factor, is an extension of the Statute of National Security (Faceless Regional Justice) officially applied between 1978 and 1982 by the administration of Julio César Turbay, and taken up enthusiastically by the Policy of Democratic Security, of Alvaro Uribe Vélez, between 2002 and 2010. This has been followed by Juan Manuel Santos´s administration, by means of repressive measures such as the

Military Penal Jurisdiction, and the implementing of the Free Trade Agreement with the USA, the Consolidation Plan II (5), and the Sword of Honor Plan, the last one meant to combat insurgencies that had been in existence for more than forty years. These actions penalize social protest and democracy muzzling expressions of dissatisfaction by judicial and social control.

Juridical mechanisms of control allow for the discretional and arbitrary application of the law, fostering and even the strengthening private or paramilitary forces. In addition, the support is given by the State to the cooperation of the National Army and the Police, so as to extend the status quo, and legitimize State crimes. Similar in character are the Consolidation Zones, located in places of geostrategic importance for the extraction of national resources, under the control of the army and the judiciary apparatus. They use violence as a means of expropriating the land in order to implement mega projects carried out by transnational firms.

The Consolidation Zones are aimed at strengthening the process of the hoarding and the sale of land to foreign capital, without any kind of regulation. Transnational companies kill the local peasant economy by taking the most fertile areas and the water sources in order to cultivate single crops, such as sugar cane, rice, oil palms, so as to ensure production of agro fuels and to favor the development and wealth of other countries. They cause population displacement, lack of food security and sovereignty (6), foster unemployment and poverty, and do irreparable damage to soils fertility. Undoubtedly, we witness here the systemic plundering of a country being sold to foreigners little by little.

This has put Colombia in the midst of a complex humanitarian crisis. One of the most tangible indications of the criminalization of protest has been the occurrence of 3,335 cases of extrajudicial executions (false positive), and the existence of more than 9,500 political prisoners of both genders. The overwhelming majority of the social movement, 90%, is made up by peasants, students, human rights demonstrators, trade unionists, persons of African descent and political opponents, whose only crime has been to fight for social justice. In a recent event, during the first month of mobilization for the National Agrarian and Popular Stoppage, 512 persons were taken to court, 9 were murdered, and near 800 wounded.

Colombia plays a key geostrategic role in the region, and it is therefore important to follow closely what happens in the country, and pay attention to the peace conversations taking place in Havana between the Colombian administration and the FARC – EP insurgents, so as to favor initiatives that attempt to bring a negotiated political solution to the social and armed conflict, allowing for the establishment of a fair and lasting peace, which incorporates social justice and equality.

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(1) In 2011 Colombia was third in the world list of the most socially unequal countries (UNDP, 2011).
(2) The figure is confirmed by the Gini coefficient of 0,85 (UNDP, 2011 and UN, 2010).
(3) In 2010 Colombia invested 5.09% of GNP(Otero, 2011).
(4) According to estimates by UNDP, 6,6 million hectares were abandoned because of forced displacement of populations between 1980 and 2010. This is equivalent to 12, 9% of all the fertile soil of the country (UNDP, 2011b:280).
(5) The first part of the Consolidation Plan was carried out by paramilitary groups over the last 25 years and left behind 175,000 corpses.
(6) In 2011, despite being an agricultural country, Colombia imported some 10 million tons of food. The figure increased by 52, 5% the following year.